

APPROVED: Meeting No. 28-90

ATTEST:

Sharon A. Dean

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 27-90

June 11, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on June 11, 1990, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. This Wednesday at 5:30 p.m., there will be another small business visitation in cooperation with the Chamber of Commerce, this time at Looper's Servicenter.

2. With respect to adoption of the FY91 budget, there are several action items on the agenda. As a result of the worksessions, staff has consolidated the collective requests and suggestions into a single memorandum which provides the most up-to-date information. There have been some changes in the funding sources and the ordinance for adoption this evening represents a balanced budget.

3. The projected date for groundbreaking on the Whalen project is Thursday, June 21, at 11:00 a.m.

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4. With respect to the Ritchie Parkway wetlands, a response has been received from the State Department of Environment which was immediately shared with the 30-40 individuals interested in the project. A response will be prepared to the State as soon as possible.

5. Three items on the agenda require some clarification:

Regarding 8F, Dogwood Park Improvements, a corrected agenda sheet was issued as the original documentation was confusing as to the amount of money needed. An additional \$66,809 is needed, and the corrected agenda sheet indicates the exact source of the funds.

Councilmember Hovsepien asked if this project would impact on the proposed wetlands mitigation for Ritchie Parkway and was advised by the City Manager that there is no relationship between the proposed improvements to Dogwood Park and the wetlands issue.

With respect to 8G, some material may be confusing. This project which is partly funded by the federal government and Montgomery County requires additional funding of \$113,000. If the Federal Highway Administration and Montgomery County provide reimbursement on a pro rata basis, the best case would mean that the City only spends an additional \$47,000. If reimbursement is not forthcoming, then the City may be required to fund the full \$113,000. The City is proceeding with the project, and we anticipate starting in August with completion by the end of the calendar year.

Regarding the pilot contract for collection of newspapers for recycling, it is felt that this service should be made available to all households in the City. This contract provides a standard rate which will not change and is based on \$1.25 per household per month. In response to Mayor Duncan, the City Manager noted that the contractor is Southeast Recycling.

6. As a result of a total power failure at the Water Treatment plant early

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Saturday morning, there was some discoloration in the water. This did not pose a threat to the health of users and the chemical integrity was not compromised.

7. It was a pleasure for staff to participate with the Mayor, Councilmember Dave Robbins and the community in the "All America City" awards competition.

Mayor Duncan expressed his appreciation to the community representatives, Ann Chapman, Cindy Hall and Kathleen Doubt, who did a marvelous job and represented the City in an outstanding manner. He also thanked the City staff who participated, the City Manager, the City Clerk, the Assistant to the City Manager and the Public Information Officer. The staff in Graphics and Cable did an outstanding job in preparation for the presentation, and Lisa Rother of Planning was commended for preparing the application which led to the City being named a finalist. The three programs highlighted in the presentation were:

- o the anti-drug program in Lincoln Park, a combined effort of citizens, city and county police, and social services agencies;
- o the frail elderly home care program of Community Ministries; and
- o the Helping Hands shelter which, in addition to shelter, provides day care, job training and job referral services.

Mayor Duncan thanked everyone involved and indicated it was a pleasure to be a part of the process. He also advised that the City has already begun working on next year's application.

Re: Proclamation declaring June
14, 1990 as "Flag Day" in
Rockville.

Proclamation No. 20-90

By a unanimous vote of the Mayor and Council, June 14 was declared "Flag Day" in Rockville. Mayor Duncan read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. James Duffy, Past Commander,

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American Legion Post #86, accepted the Proclamation.

Re: Proclamation declaring the week of June 18-24, 1990, as "Amateur Radio Week" in Rockville.

Proclamation No. 21-90

By a unanimous vote of the Mayor and Council, the week of June 18-24, 1990, was declared "Amateur Radio Week" in Rockville. Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. John Halweg, President of the Rock Creek Amateur Radio Association, accepted the Proclamation.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council. There being no citizens wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Kevin M. O'Connell was appointed to a three-year term on the Historic District Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Walter L. Davis was appointed to a four-year term on the Human Rights Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Leo Leitner was appointed to a three-year term on the Rockville Sister City Corporation.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the minutes of Meeting No. 23-90 (May 23, 1990) were approved, as written.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the minutes of Meeting No. 24-90 (May 29, 1990) were approved, as amended.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 25-90 (May 30, 1990) were approved, as amended.

Re: Consent Agenda

Councilmember Robbins asked that Item D be removed from the Consent Agenda and Mayor Duncan requested that Item H be removed. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Approval of waiver for on-site Storm Water Management for the property on great Falls Road at Dunster Road in the Watts Branch drainage area, and acceptance of a \$6,900 contribution for the off-site SWM fund.

The developer, Victory Housing, Inc., plans the construction of a home for the elderly on St. Raphael's Church property.

- B. Award of Bid No. 96-90, Metal Storage Building for Redgate Golf Course Maintenance Area, to Conyngham Sales Company for the low bid of \$44,800.

The approved FY90 CIP budget includes \$20,000 for this project; the remainder will be drawn from funds made available from the rejection of the Redgate Golf Course Pond Project.

- C. Award of Bid No. 103-90, Twinbrook Park Improvements, to HMF Paving Company, in the amount of \$42,150. The budgeted amount is \$72,000.

The project involves the lowering and reshaping of a site at the rear of 12000 block of Atlantic Avenue, including debris removal, re-

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forestation, grading and reshaping the site to make it less susceptible to vandalism.

- E. Award of Bid No. 105-90, Grounds Beautification, Facilities, to low bidder, Arbor Landscapes, in the amount of \$25,519. The budgeted amount is \$70,000.

This project involves the upgrade landscaping of four sites to improve their appearance: Pump House, Senior Center, Public Works Administration Building, Swim Center.

- F. Award of Bid No. 107-90, Dogwood Park Improvements, to Heritage Builders, Inc., in the amount of \$890,890. The \$850,000 design and construction budget is CIP funded by \$179,000 General Obligation Bonds and \$671,000 from the Maryland Program Open Space funds. Nine thousand dollars was spent of the \$850,000 for additional soil testing, leaving a deficit of \$49,890 to be made up from savings on CIP project OE61 (+\$40,160) and OG61 (+\$26,730)

Project includes new equipment, major ballfield improvements, ballfields and tennis court lighting, irrigation system, new auto parking, landscaping, snack bar, restroom, storage building renovation, pathways and new fencing.

- G. Award of Bid No. 1-90 to low bidder, Concrete General, Inc., for \$298,962.50 for replacing the Scott Drive Bridge over Watts Branch, and increasing funding authorization by \$113,000, as proposed in the FY91 CIP.

This project is partially funded by the Federal Government (FHWA) under the Bridge Rehabilitation Program, and a small share will come from Montgomery County Government for sidewalk work outside the City limits.

- I. Submission of financial reports summarizing the results of City operations for the period from July 1, 1989 through April 30, 1990.
- J. Approval of "Offer of Agreement" contract with Edward Clark Prettyman and Maureen B. Prettyman.

This agreement is required for the acquisition of right-of-way needed for the improvement of West Montgomery Avenue. The purchase price is \$710.

- K. Preliminary Text Review - Text Amendment Application T-110-90, Rockville Planning Commission, Applicant.

Amendment to Subdivision Regulations to clarify standards for resubdivision of lots in an established residential area.

Re: Award of Bid No. 104-90 for Veterans Park Improvements to HMF Paving in the amount of \$102,955. The budgeted amount is \$97,000; the remaining funds (\$5,955) will be transferred to the project from savings realized in several recent bid awards which were under budget.

This project (Item D from the Consent Agenda) is a "downscaled" renovative construction of the landscaped area which will provide ease of maintenance and will focus on retaining existing plant material, adding new plantings, irrigation and sidewalk. Councilmember Robbins indicated he was happy to see the improvements and asked if anything is being done to provide bench space and handicap access. Staff responded that it will be accessible to the handicapped and that some benches will be placed around the park. The City Manager noted that a sketch of the park would be provided in FYI.

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Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Bid No. 104-90 for Veterans Park Improvements was awarded to HMF Paving in the amount of \$102,955.

Re: Award of pilot contract for collection of newspaper for recycling to Southeast Recycling Corporation, Silver Spring, for \$1.25 per household per month.

Mayor Duncan noted that he will be abstaining from the vote on this item (H) as he has a relative who works for the contractor. Upon motion of Councilmember Marrinan, duly seconded, with Mayor Duncan abstaining, Southeast Recycling was awarded the pilot contract for recycling.

Re: Presentation of Proposals for Public Art in Mayor and Council Chambers through the Art Acquisition Program and Award of Commission in the amount of \$5,000.

John Moser, Chairman of the Cultural Arts Commission, noted that he has received a letter from Pinneberg indicating the city has set up an Arts Commission comprised of Dr. Nolte, Herr Lanz and the new Burgermeister, among others. Solicitation to local artists has been initiated and three finalists will be selected. It is anticipated that this will be completed by early September. In response to Councilmember Hovsepian, Mr. Moser advised that the site selected for the sculpture is Welsh Park, at the corner of Mannakee and Nelson. Mr. Moser expressed his appreciation to staff members Greg Bayor, Burt Hall and Kathleen Moran for their efforts.

Sue Pierce then presented an overview of the three fiber (quilted) artworks she has proposed for the Council Chamber, one realistically representing the old Rockville train station and two abstractly presenting architectural elements of Rockville buildings. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed,

the commission for artwork for the Mayor and Council Chamber was awarded to Sue Pierce in the amount of \$5,000.

Re: Adoption of Resolution to authorize execution of a contract providing for certain conditions of annexation of the property of the Ward Corporation, petitioner (Annexation Petition X-108-89).

Resolution No. 13-90

This annexation involves three contiguous parcels located between Southlawn Lane and the Redgate Golf Course. The parcels are proposed to be placed in the I-1 and R-S Zones upon annexation. Councilmember Hovsepian inquired as to the other small portion of the Redgate Golf Course which was not included in this annexation petition but was to be the subject of another annexation petition. Staff will respond regarding the status of annexing this portion as well. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution No. 13-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to authorize execution of a contract providing for certain conditions of annexation of the property of the Ward Corporation.

Re: Adoption of Resolution to approve Annexation Petition X-108-89, Joseph A. Lynott, attorney for Ward Corporation, petitioner.

Resolution No. 14-90

This petition requests annexation into the City of Rockville of three contiguous parcels located between Southlawn Lane and the Redgate Golf Course. The parcels are proposed to be placed in the I-1 and R-S Zones upon annexation. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 14-90, the

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full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to approve Annexation Petition No. X-108-89, to enlarge the corporate boundaries of the City of Rockville by adding 37.57465 acres of land owned by the Ward Corporation, the Mayor and Council of Rockville and James W. Wilcoxon and Theresa L. Wilcoxon.

Re: Introduction of Ordinance to adopt Zoning Map, Annexation Petition X-108-89, Joseph A. Lynott, attorney for Ward Corporation, petitioner.

Councilmember Hovsepien asked if the City is satisfied that the concerns raised by the Park and Planning Commission have been addressed. The City Attorney responded that he believes the City has satisfied the requirements of state law. The concerns of the County and Park and Planning have been addressed and, if they are not satisfied, the burden is on the petitioner to resolve the matter. The Ordinance was duly introduced by the Mayor and Council.

Re: Discussion and Instructions to Staff, Map Amendment Application M-57-90, Mayor and Council of Rockville, Applicant.

The purpose of this Map Amendment is to place the Rockville Civic Center mansion and surrounding grounds in a single unit historic district under the jurisdiction of the Rockville Historic District Commission. Councilmember Marrinan expressed concern regarding a misunderstanding by the Recreation and Park Advisory Board as to what this action entails and suggested a joint meeting with all parties to allay some of these concerns. Mayor Duncan indicated that the concern involved putting another level of oversight on this property. Councilmember Hovsepien noted that both the Recreation and Park Advisory Board and the Cultural Arts Commission, frequent users of the Civic Center mansion and grounds, had recommended against this historic designation. She also expressed concern with the interface between Parks maintenance and the Historic District

Commission, especially in light of the boxwood incident at the Beall-Dawson House. It was noted that the Parks maintenance crew has done an excellent job, and it is necessary to establish a working relationship between Parks and the Historic District Commission.

Councilmember Robbins asked if such designation would have any impact on usage of the mansion and property, and staff responded that the designation would only come into play when there would be changes in the physical appearance of the structure and grounds. Mayor Duncan noted that Planning staff should prepare a memorandum for the Recreation and Park Advisory Board and the Cultural Arts Commission to set forth some general guidelines.

Councilmember Hovsepien noted that, contrary to what was submitted by the Recreation and Park Advisory Board and the Cultural Arts Commission, the mansion is an historic building within the bounds of Rockville.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, staff was instructed to prepare Map Amendment Application M-57-90, to place the Rockville Civic Center mansion and surrounding grounds in an historic district, for approval by the Mayor and Council.

Re: Discussion and Instructions
to Staff, Text Amendment
Application T-102-89, Community
Ministries of Rockville,
applicant.

This text amendment provides a definition of personal living quarters (PLQ) and allows this use by special exception in certain commercial, office and industrial zones. Discussion followed regarding the distinction between single resident occupancy and personal living quarters. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, staff was instructed to prepare the text amendment for approval by the Mayor and Council as recommended by the Planning Commission with one clarification. In the definition of "Personal Living Quarters," after the words "occupied by no more

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than two persons" the following words should be added, "in each such unit."

Re: Discussion and Instructions
to Staff, Text Amendment
Application T-105-90, Robert
R. Harris, attorney for
Holladay-Tyler Corporation.

This text amendment would allow "ownership lots" and "ownership plats" to be used in all zones except single-family detached and semi-detached zones. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, staff was instructed to prepare Text Amendment Application T-105-90 for approval by the Mayor and Council in accordance with the recommendations of the Planning Commission.

Re: Approval of amendment to the
Development and Disposition
Agreement with C. M. Whalen
for Parcels 2-N and 2-O in
the Rockville Town Center by
extending the time for
settlement to June 15, 1990,
and by extending the time for
commencement of construction
to June 22, 1990, and
authorization for the Mayor,
on behalf of the Mayor and
Council, to execute said
amendment.

The City Attorney advised that the amendment was based upon a requirement of Maryland National Bank, the institution providing the construction funds, to formalize the extension requested by Mr. Whalen in order to finalize construction plans and complete contract negotiations with the general contractor. In response to Mayor Duncan, the City Attorney advised that groundbreaking is scheduled for June 21 at 11:00 a.m.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Mayor Duncan was authorized, on behalf of the Mayor and Council, to execute said amendment to agreement extending the time for settlement until June 15, 1990, and commencement of construction until June 22, 1990.

Re: Adoption of Ordinance to

appropriate funds and levy taxes for Fiscal Year 1991. The ordinance sets the budget levels for both the operating budget and capital budget for FY1991. The proposed property tax rate is 83 cents per \$100 of assessed valuation.

Ordinance No. 14-90

The Mayor and Council complimented staff on the excellent format in which the budget was presented as well as the hold-the-line concept. Mayor Duncan did not receive support for a change in the tax rate.

It was noted that a comprehensive study on vehicle and equipment needs and purchases would be conducted and that no funds would be expended for this purpose until such time as the results of the study are presented to the Mayor and Council.

Mayor Duncan asked if a CIP sheet had been prepared for paving of Highland Avenue and staff responded that it has been done in accordance with instructions of the Mayor and Council.

Although the Mayor and Council deleted \$5,000 in funding for the Annapolis reception, they indicated their full support for the City's legislative program and a continued strong presence in Annapolis.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Ordinance was amended to include all revisions made subsequent to introduction of the Ordinance as a result of the budget worksessions. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ordinance No. 14-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted, as amended, to appropriate \$47,435,574 in FY1991 for the annual operating expenses of the departments and agencies of the City, and to appropriate to the total sum of \$44,750,289 in FY1991 for capital improvement projects. Said ordinance also provides for the levy

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of a tax against all assessable real and personal property within the corporate limits of the City at the rate of \$.83 per \$100 of assessable value of said property, except stock in business which shall receive an exemption equal to eighty-two percent (82%) of assessable value of such personal property.

Re: Adoption of Ordinance to amend Section 24-46 of the Rockville City Code, entitled "Water consumption charge."

Ordinance No. 15-90

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 15-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to increase the water consumption rate from \$1.05 per 1,000 gallons to \$1.13 per 1,000 gallons, effective July 1, 1990.

Re: Adoption of Ordinance to amend Section 24-47 of the Rockville City Code, entitled "Sewer usage charge."

Ordinance No. 16-90

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, Ordinance No. 16-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to increase the sewer usage rate from \$2.25 to \$2.40 per 1,000 gallons, effective July 1, 1990.

Re: Adoption of Resolution to increase the refuse collection rate to \$20.30 per single family residence per month (\$243.60 per annum) for FY1991.

Resolution No. 15-90

Councilmember Marrinan voiced concern with the increasing utility rates. He was advised that the water and sewer charges are user fees for which residents pay according to their usage and that the City's water and sewer rates are significantly

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lower than that of WSSC. In addition, the increased rate in refuse collection was directly attributable to the increased tipping fees passed on by Montgomery County. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 15-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to increase the refuse collection rate to \$20.30 per single family residence per month effective July 1, 1990.

Re: Approval of FY91 Mayor and
Council non-local travel

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the following travel was approved for the Mayor and Council during FY91: National League of Cities Annual Conference (Houston); National Civic League Annual Conference (Baltimore); Maryland Municipal League Annual Convention (Ocean City); Maryland Municipal League Fall Legislative Conference (Easton); U.S. Conference of Mayors (San Diego). In addition, two Councilmembers may each attend two annual National League of Cities' Steering Committee meetings at various locations in the U.S.

Re: FYI/Correspondence

Regarding the draft response to the Fire and Rescue Commission, Mayor Duncan requested that a second draft be prepared based upon the approach that until there is a merger into a unified district, Rockville should remain a separate taxing district.

The resident who wrote complaining of the noise of the fireworks during Hometown Holidays should receive an apology.

Councilmember Hovsepian asked if the laser light show interfered with the electrical reception and was advised that Pepco was having electrical problems which were not attributable to the laser light show.

Councilmember Hovsepian referenced the two objections noted to the award for the City's new voice communications system, and the City Manager advised that staff is

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preparing an appropriate response.

Regarding the Ritchie Parkway wetlands issue, Mayor Duncan stressed the importance of utilizing citizen input in the response to the State Department of the Environment. The City Manager noted that a meeting would be held with the interested residents before a final response is prepared to the State.

Re: New Business

Councilmember Coyle noted that he had attended the annual meeting of Community Ministries at which five individuals were recognized for their work in the community during the past year. These included Officer Jeff Parke of the City's Police Department and Melvin and Cindy Hall of Lincoln Park.

Mayor Duncan again complimented staff on the budget document, especially the Capital Improvements Program.

Re: Executive Session

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council convened in executive session at 9:15 p.m. to discuss land disposition matters and consult with legal counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:00 p.m., to convene again in General Session at 7:30 p.m. on June 25, 1990, or at the call of the Mayor.